

DETAILED ACTION

1. The claim amendment received on September 9, 2009 canceled claims 1-24 and added new claims 25-36. The species requirement is necessitated by the claim amendments received on September 9, 2009.

Claims 25-36 are currently pending and under consideration.

Election/Restrictions

2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A. a single, specific species of X-R (i.e. bifunctional agent; see claims 25, 26). Please note: applicants must elect a single, specific species of X and a single, specific species of R. In addition, applicants must provide the complete final structure of bifunctional agent including all bonds, "R" groups, and "n";

B. a single, specific species of support (see claims 28, 29, 30, and 31); and

C. a single, specific species of complexing agent (see claim 34).

3. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).
5. The claims are deemed to correspond to the species listed above in the following manner:
See above regarding claims 25, 26, 28, 29, 30, 31, and 34.
6. The following claim(s) are generic: claim 25.
7. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the species are structurally and/or functionally different.
8. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.
9. The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Sequence Compliance

11. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Figures 4A, 4B, and 4C contain sequences without proper SEQ ID NOs:.

Applicant is requested to return a copy of the attached Notice to Comply with the reply.

12. Applicants state in the reply received on September 9, 2009 that a response to the Notice to Comply was filed on July 12, 2005. In the reply, applicants assert that since the sequences are utilized for example only and not part of the claims, applicants are not required to provide a sequence listing, CRF, or a letter stating the CRF and sequence listing are the same.

Applicants are respectfully directed to MPEP § 2420 wherein after careful review of the requirements for a sequence listing, applicants will realize that they must comply with the sequence rules. The sequence rules went into effect on October 1, 1990 (i.e. well before

applicants filing date). The sequence rules embrace all unbranched nucleotide sequences with ten or more bases and all unbranched, non-D amino acid sequences with four or more amino acids, provided that there are at least 4 “specifically defined” nucleotides or amino acids. The rules apply to all sequences in a given application, whether claimed or not.

Future Communications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMBER D. STEELE whose telephone number is (571)272-5538. The examiner can normally be reached on Monday through Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Christopher Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amber D. Steele/
Primary Examiner, Art Unit 1639